

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 31-44 are pending in the application, with claims 31-33 being the independent claims. In order to expedite prosecution and avoid confusion at the examination level, these claims are exact duplicates of claims 2-15 submitted by the Applicant in the Reply filed April 28, 2005. The Examiner has indicated that claims 31-33 (previously claims 2-4) are in condition for allowance. By virtue of their dependency on the allowed claims, claims 34-44 are also allowable.

Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections and they be withdrawn.

#### **I. First Reply and Amendment under 37 C.F.R. §1.116**

On April 28, 2005, Applicants filed a first Reply and Amendment under 37 C.F.R. §1.116. In a subsequent telephone conference with Applicants' representative, the Examiner indicated that the application could be in condition for allowance if Applicants would consent to suggested Examiner's amendment directed at §101 concerns. Due to the scope of the suggested amendments, Applicants' representative requested a non-final rejection, so that the representative could get applicants' consent before agreeing to the suggested amendments. The Examiner, however, responded on May 18, 2005 with an advisory action refusing to consider the First Reply and Amendment under 37 C.F.R. §1.116, because the proposed amendment added too many claims. The Examiner did not mention §101 in his advisory action. This amendment has corrected this discrepancy in the number of added claims and thus, entry of the amendment is requested.

#### **II. Second Reply and Amendment under 37 C.F.R. §1.116**

Applicants submitted a Reply and Amendment After Final on April 28, 2005. In this Reply, Applicants amended claims 2-9 and 12, cancelled claims 1, 16-20 and added claims 21-30. On May 8, 2005, the Examiner issued an Advisory Action refusing to enter the April 28<sup>th</sup> Reply and Amendment After Final. The Applicants then submitted on May 25, 2005, a Second

Reply and Amendment After Final. In the Second Reply and Amendment After Final, Applicants used claim identifiers based on the fact that the April 28, 2005 Amendment had not been entered; *i.e.* still Applicants identified the amended and cancelled claims and newly added claims relative to the claims as they stood at Final Rejection. In a telephone conversation on June 3, 2005, Examiner Ehichioya told Applicant's representative that the claims in the Second Amendment and Reply After Final should represent changes from the original Amendment After Final. Thus, Applicants filed an Amended Second Reply and Amendment under 37 C.F.R. §1.116 on June 03, 2005 in order to comply with Examiner Ehichioya's request regarding modification of the claim identifiers.

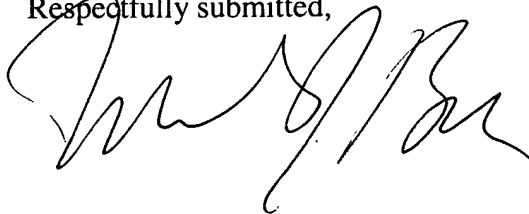
Nevertheless, on June 09, 2005, the USPTO issued another advisory action, again rejecting the amendment on the basis of the claim identifiers. Applicant's representative subsequently had a telephone conference with the PTO in which he requested full guidance on exactly how to comply with the Examiner's request regarding the claim identifiers. Applicant's representative was told that the PTO would get back to him but has since not heard from the PTO. Accordingly, Applicants are again submitting the allowed claims and would like a decision on the merits.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Bell', written in a cursive style.

Michael J. Bell (Reg. No. 39,604)

Date: **June 29, 2005**

HOWREY LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
(703) 663-3600